

REMARKS

The last Office Action of October 6, 2005 has been carefully considered. Reconsideration of the instant application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1-12 are pending in the application. Claims 1, 2, 6 have been amended. No claims have been canceled or added. No amendment to the specification has been made. No fee is due.

It is noted that claims 1-12 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-10 stand rejected under 35 U.S.C. §102(b) as being anticipated by German Pat. No. DE 101 03 983 (hereinafter DE '983).

Claims 1-10 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Pat. Appl. No.2004/0091570 to Wohlrab.

Claims 11-12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over German '983 or Wohlrab.

Claims 1, 5-8, 11 and 12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 3,604,058 to Fischbach.

Claims 2-4, 9 and 10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Fischbach in view of DE '983 or Wohlrab.

REJECTION OF CLAIMS 1-12 UNDER 35 U.S.C. §112, SECOND PARAGRAPH

Applicant has amended claims 1, 2 and 6 to address the §112, second paragraph rejection. These changes are self-explanatory and cosmetic in nature and should not be considered as a narrowing amendment to trigger prosecution history estoppel.

Withdrawal of the rejection of the claims 1-12 under 35 U.S.C. §112, second paragraph is thus respectfully requested.

REJECTION UNDER 35 U.S.C. §102(e)

The rejection under 35 U.S.C. 102(e) as being anticipated by Wohlrab is respectfully traversed.

The Wohlrab reference is based on an international application which was filed after November 29, 2000 and was **not** published in English. Therefore, the international filing date is not a U.S. filing date so that this reference is not available as prior art pursuant to 35 U.S.C. 102(e).

Withdrawal of the rejection of claims 1-10 under 35 U.S.C. §102(e) is thus respectfully requested.

REJECTION UNDER 35 U.S.C. §102(b)

In order to clearly distinguish the present invention from DE 101 03 983, applicant has amended claim 1 by setting forth the particular characteristics of the locking nut, namely that the locking nut is supported on the moving (first) platen in such a manner as to be able to rotate but being immovable in axial direction. Support therefore can be found in paragraph [0019] of the instant specification.

DE '983 describes a clamping unit with a rotary sleeve (17) which forms a locking nut. Apart from the fact that the locking action is realized here by the interaction between the friction surfaces (22.1, 23.1) and not by the threaded connection, as set forth in claim 1, the rotary sleeve is supported in the moving platen for rotation and axial mobility. Reference is made, for example, to col. 4, lines 32 to 34, where it is described: "*The rotary sleeve 17 is shifted via the left stop surface 16.4 also to the left*" or to col. 7, lines 23-24, where it is set forth: "*the rotary sleeve (17) is axially movably supported in the moving platen (3) in bearings (18, 19)*".

Withdrawal of the rejection of claims 1-10 under 35 U.S.C. §102(b) is thus respectfully requested.

REJECTION UNDER 35 U.S.C. §103(a)

The features of claim 1 have been discussed under the previous heading.

The Fischbach reference describes a clamping unit having several hydraulic actuators 7 for moving the platen (5). As noted in col. 5, lines 10 to 12, *the external threads of the spindle 6' mesh with internal threads of a spindle nut 31 and the mating threads are of the self-locking type.*". However, Fischbach fails to disclose the presence of a clearance between the spindle and the spindle nut. In addition, the spindle nut is also movable in relation to the support plate (2'). Reference is made to col. 5, lines 40-43.

For the reasons set forth above, it is applicant's contention that Fischbach neither teaches nor suggests the features of the present invention, as recited in claim 1.

As for the rejection of the retained dependent claims, these claims depend on claim 1, share its presumably allowable features, and therefore it is respectfully submitted that these claims should also be allowed.

Withdrawal of the rejection under 35 U.S.C. §103(a) and allowance of claims 1-12 are thus respectfully requested.

CITED REFERENCES

Applicant has also carefully scrutinized the further cited prior art and finds it without any relevance to the newly submitted claims. It is thus felt that no specific discussion thereof is necessary.

CONCLUSION

Applicant believes that when reconsidering the claims in the light of the above comments, the Examiner will agree that the invention is in no way properly met or anticipated or even suggested by any of the references however they are considered.

None of the references discloses a locking device having screw shaft and a locking nut which is supported on the moving platen such as to be able to rotate but being immovable in axial direction and which is constructed to connect with clearance to the screw shaft via a thread connection and to interact with the screw shaft for transmitting a load, when the clamping force is applied, whereby the threaded connection is forced to self-lock and to act free of clearance to thereby secure the locking nut on the screw shaft and prevent reverse rotation of the locking nut.

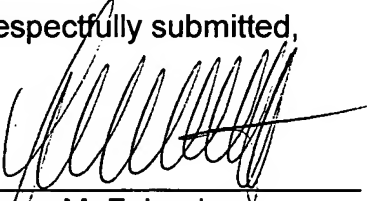
In view of the above presented remarks and amendments, it is respectfully submitted that all claims on file should be considered patentably differentiated over the art and should be allowed.

Reconsideration and allowance of the present application are respectfully requested.

Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully requested that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. If the Examiner feels that it might be helpful in advancing this case by calling the undersigned, applicant would greatly appreciate such a telephone interview.

Respectfully submitted,

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